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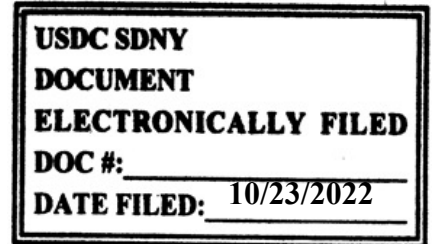
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MEMO ENDORSED

Via ECF:

The Honorable Katharine H. Parker, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
Courtroom 17D
New York, NY 10007

October 21, 2022



Re: **Rivera v. Eastland Assoc Corp., et al.**
Civil Docket No.: 22-cv-00707 (PAE)(KHP)

Dear Judge Parker:

We represent the Plaintiff, Santos Rivera, individually and on behalf of all others similarly situated ("Plaintiff") in this FLSA action, and we respectfully submit this letter motion, jointly with counsel for the Defendants, to respectfully request that the parties' upcoming case management conference in this matter, currently scheduled for Tuesday, October 25, 2022 at 11:15 a.m., in Courtroom 17-D, be adjourned for the reasons explained below.

In response to the parties' August 15, 2022 joint status report (*see* Dkt. No. 30), on August 16, 2022, the Court issued an Order directing that "a case management conference is scheduled for Thursday, October 20, 2022 at 10:30 a.m in Courtroom 17-D." *See* Dkt. No. 31. Upon Defendants' request, the Court issued an Order on August 17, 2022 rescheduling this conference, to October 25, 2022. *See* Dkt. No. 33.

Status of Discovery

Last week, by joint letter motion dated October 14, 2022, Court granted the parties' motion for an extension of time to complete discovery in this matter, until November 14, 2022.

In their joint letter motion, the parties also informed the Court that the parties have completed their exchange of all relevant paper discovery, and engaged in party depositions; the deposition of Plaintiff was completed on October 6, 2022; and a deposition of Mr. Cupo was held on October 12, 2022. *See* Dkt. No. 34.

The parties also apprised that a non-party subpoena would be issued within 30 days for a deposition of a non-party witness, whom Defendants disclosed would potentially possess pertinent knowledge and information relevant to the claims and defenses asserted herein. *See* Dkt. No. 34. It is respectfully submitted that this subpoena has already been executed and was served on October 19, 2022, via UPS Overnight Courtier, the tracking information for which, reveals that

non-party subpoena was successfully served/received earlier today (on Friday, October 21 at 10:16 A.M.), at the deponent's residential address [Tracking # 1Z9756W9A201507099].

After the parties have had an opportunity to depose this witness – who has been noticed for examination for Friday, November 4, 2022 – the only other discovery that potentially remains is the prospect of requiring a further examination of Mr. Cupo, whose deposition was cut short due to a personal reason. *See*, Dkt. No. 34.

The parties have been engaging in discovery in good faith, and at this time, anticipate being able to comply with the November 14, 2022 close of discovery. There are no discovery issues to report at this time. As such, we believe that the upcoming conference may not be necessary at this time and would be more productive if held after the new discovery deadline of November 14, 2022.

Based on the foregoing, on behalf of both parties, we respectfully request that the parties' conference scheduled for Tuesday, October 25, 2022 at 11:15 a.m., in Courtroom 17-D, be adjourned until a date convenient for the Court on or after November 14, 2022.

We thank the Court for its kind consideration on this matter, and we remain available to provide any additional information necessary to adjourn the conference.

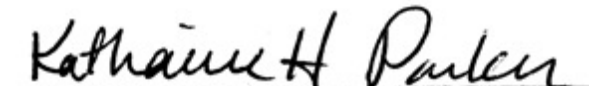
Respectfully submitted,

/s/
Roman Avshalumov, Esq.

CC: counsel for the Defendants via ECF & Electronic Mail

APPLICATION GRANTED: The case management conference in this matter scheduled for Tuesday, October 25, 2022 at 11:15 a.m in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York is hereby rescheduled to Monday, November 14, 2022 at 10:15 a.m.

APPLICATION GRANTED



Hon. Katharine H. Parker, U.S.M.J.

10/23/2022